

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ABRUZZO DOCG INC. d/b/a
TARALLUCCI E VINO, et al.,

Plaintiffs,

v.

ACCEPTANCE INDEMNITY INSURANCE
COMPANY, et al.,

Defendants.

Civil Action No.: 1:20-cv-04160-MKB-JO

**DEFENDANT TRAVELERS CASUALTY INSURANCE COMPANY OF AMERICA'S
JOINDER IN OPPOSITION TO REMAND**

Defendant Travelers Casualty Insurance Company of America (“Travelers Casualty”), by and through its attorneys, Robinson & Cole LLP, hereby joins in “Defendants’ Memorandum of Law in Opposition to Plaintiffs’ Motion to Remand” filed by co-defendant Acceptance Indemnity Insurance Company on October 20, 2020 (the “Opposition to Remand”). Travelers Casualty incorporates, adopts, and joins in the arguments and analysis set forth in the Opposition to Remand.

In further support of the Opposition to Remand, Travelers Casualty provides the following factual information. Travelers Casualty insures only one of the Plaintiffs in this lawsuit: RHLP 45 LLC, which operates the Red Hook Lobster Pound location at the Urbanspace Vanderbilt Food Hall (the “Red Hook Lobster Pound Vanderbilt”). (Amended Complaint, ECF Nos. 1-40 & 1-41 (the “Am. Compl.”), ¶¶ 82, 515). RHLP 45 LLC was insured under one insurance contract issued by Travelers Casualty and asserts claims arising out of or related to that insurance contract. RHLP 45 LLC does not make any claims against any other defendant in this

lawsuit (*see id.* at Fifty-First Cause of Action), and none of the other Plaintiffs make any claims against Travelers Casualty.

Travelers Casualty is a Connecticut corporation with its principal place of business in Connecticut. (*Id.*, ¶ 157). RHLP 45 LLC is a New York limited liability company (*id.*, ¶ 82) with members that are citizens of New York (ECF No. 68, ¶ 50). There is thus complete diversity of citizenship between Travelers Casualty and RHLP 45 LLC. Additionally, as RHLP 45 LLC has not disputed, the amount in controversy between Travelers Casualty and RHLP 45 LLC, exclusive of interest and costs, exceeds \$75,000.00. While RHLP 45 LLC does not quantify the specific amount of damages that it seeks in connection with its claim, the applicable business income policy limit for the one-year policy under which it makes its claim is \$1,000,000. (ECF No. 1-80 at pg. 58 of 70). Out of respect for any confidentiality concerns RHLP 45 LLC may have with respect to its financial information, Travelers Casualty has not set forth RHLP 45 LLC's financial information in detail herein. Travelers Casualty would submit this information under seal if RHLP 45 LLC so requests and the Court allows. As such, and as discussed in the Opposition to Remand, the Court should maintain Travelers Casualty's right of removal based on diversity jurisdiction and deny Plaintiffs' Motion to Remand.

Respectfully submitted,

/s/ Stephen E. Goldman

Stephen E. Goldman (SG9079)

Wystan M. Ackerman (WA8267)

Gregory P. Varga (GV5411)

J. Tyler Butts (JB9322)

Marc E. Haas

ROBINSON & COLE LLP

280 Trumbull Street

Hartford, CT 06103-3597

Tel: (860) 275-8200

sgoldman@rc.com

wackerman@rc.com

gvarga@rc.com

jbutts@rc.com

mhaas@rc.com

Attorneys for Defendant

Travelers Casualty Insurance Company of America

CERTIFICATE OF SERVICE

I hereby certify that on October 20, 2020, a copy of the foregoing was served via email to the following counsel:

Jeremy M. Creelan
Michael W. Ross
Seth H. Agata
Jenna E. Ross
Jacob D. Alderdice
Jenner & Block LLP
919 Third Avenue, 38th Floor
New York, NY 10022

/s/ Stephen E. Goldman
Stephen E. Goldman